

SECOND REGULAR SESSION

SENATE BILL NO. 985

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN AND MAYER.

Read 1st time February 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4787S.011

AN ACT

To repeal section 644.016, RSMo, and to enact in lieu thereof one new section relating to agricultural storm water discharges.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 644.016, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 644.016, to read as follows:

644.016. When used in sections 644.006 to 644.141 and in standards, rules
2 and regulations promulgated pursuant to sections 644.006 to 644.141, the
3 following words and phrases mean:

4 (1) "Aquaculture facility", a hatchery, fish farm, or other facility used for
5 the production of aquatic animals that is required to have a permit pursuant to
6 the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.;

7 (2) "Commission", the clean water commission of the state of Missouri
8 created in section 644.021;

9 (3) "Conference, conciliation and persuasion", a process of verbal or
10 written communications consisting of meetings, reports, correspondence or
11 telephone conferences between authorized representatives of the department and
12 the alleged violator. The process shall, at a minimum, consist of one offer to meet
13 with the alleged violator tendered by the department. During any such meeting,
14 the department and the alleged violator shall negotiate in good faith to eliminate
15 the alleged violation and shall attempt to agree upon a plan to achieve
16 compliance;

17 (4) "Department", the department of natural resources;

18 (5) "Director", the director of the department of natural resources;

19 (6) "Discharge", the causing or permitting of one or more water
20 contaminants to enter the waters of the state;

21 (7) "Effluent control regulations", limitations on the discharge of water
22 contaminants;

23 (8) "General permit", a permit written with a standard group of conditions
24 and with applicability intended for a designated category of water contaminant
25 sources that have the same or similar operations, discharges and geographical
26 locations, and that require the same or similar monitoring, and that would be
27 more appropriately controlled pursuant to a general permit rather than pursuant
28 to a site-specific permit;

29 (9) "Human sewage", human excreta and wastewater, including bath and
30 toilet waste, residential laundry waste, residential kitchen waste, and other
31 similar waste from household or establishment appurtenances;

32 (10) "Income" includes retirement benefits, consultant fees, and stock
33 dividends;

34 (11) "Minor violation", a violation which possesses a small potential to
35 harm the environment or human health or cause pollution, was not knowingly
36 committed, and is not defined by the United States Environmental Protection
37 Agency as other than minor;

38 (12) "Permit by rule", a permit granted by rule, not by a paper certificate,
39 and conditioned by the permit holder's compliance with commission rules;

40 (13) "Permit holders or applicants for a permit" shall not include officials
41 or employees who work full time for any department or agency of the state of
42 Missouri;

43 (14) "Person", any individual, partnership, copartnership, firm, company,
44 public or private corporation, association, joint stock company, trust, estate,
45 political subdivision, or any agency, board, department, or bureau of the state or
46 federal government, or any other legal entity whatever which is recognized by law
47 as the subject of rights and duties;

48 (15) "Point source", any discernible, confined and discrete conveyance,
49 including but not limited to any pipe, ditch, channel, tunnel, conduit, well,
50 discrete fissure, container, rolling stock, concentrated animal feeding operation,
51 or vessel or other floating craft, from which pollutants are or may be
52 discharged. **Point source does not include agricultural storm water**
53 **discharges and return flows from irrigated agriculture;**

54 (16) "Pollution", such contamination or other alteration of the physical,
55 chemical or biological properties of any waters of the state, including change in
56 temperature, taste, color, turbidity, or odor of the waters, or such discharge of any

57 liquid, gaseous, solid, radioactive, or other substance into any waters of the state
58 as will or is reasonably certain to create a nuisance or render such waters
59 harmful, detrimental or injurious to public health, safety or welfare, or to
60 domestic, industrial, agricultural, recreational, or other legitimate beneficial uses,
61 or to wild animals, birds, fish or other aquatic life;

62 (17) "Pretreatment regulations", limitations on the introduction of
63 pollutants or water contaminants into publicly owned treatment works or
64 facilities which the commission determines are not susceptible to treatment by
65 such works or facilities or which would interfere with their operation, except that
66 wastes as determined compatible for treatment pursuant to any federal water
67 pollution control act or guidelines shall be limited or treated pursuant to this
68 chapter only as required by such act or guidelines;

69 (18) "Residential housing development", any land which is divided or
70 proposed to be divided into three or more lots, whether contiguous or not, for the
71 purpose of sale or lease as part of a common promotional plan for residential
72 housing;

73 (19) "Sewer system", pipelines or conduits, pumping stations, and force
74 mains, and all other structures, devices, appurtenances and facilities used for
75 collecting or conducting wastes to an ultimate point for treatment or handling;

76 (20) "Significant portion of his or her income" shall mean ten percent of
77 gross personal income for a calendar year, except that it shall mean fifty percent
78 of gross personal income for a calendar year if the recipient is over sixty years of
79 age, and is receiving such portion pursuant to retirement, pension, or similar
80 arrangement;

81 (21) "Site-specific permit", a permit written for discharges emitted from
82 a single water contaminant source and containing specific conditions, monitoring
83 requirements and effluent limits to control such discharges;

84 (22) "Treatment facilities", any method, process, or equipment which
85 removes, reduces, or renders less obnoxious water contaminants released from
86 any source;

87 (23) "Water contaminant", any particulate matter or solid matter or liquid
88 or any gas or vapor or any combination thereof, or any temperature change which
89 is in or enters any waters of the state either directly or indirectly by surface
90 runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause
91 pollution upon entering waters of the state, or which violates or exceeds any of
92 the standards, regulations or limitations set forth in sections 644.006 to 644.141

93 or any federal water pollution control act, or is included in the definition of
94 pollutant in such federal act;

95 (24) "Water contaminant source", the point or points of discharge from a
96 single tract of property on which is located any installation, operation or
97 condition which includes any point source defined in sections 644.006 to 644.141
98 and nonpoint source pursuant to any federal water pollution control act, which
99 causes or permits a water contaminant therefrom to enter waters of the state
100 either directly or indirectly;

101 (25) "Water quality standards", specified concentrations and durations of
102 water contaminants which reflect the relationship of the intensity and
103 composition of water contaminants to potential undesirable effects;

104 (26) "Waters of the state", all rivers, streams, lakes and other bodies of
105 surface and subsurface water lying within or forming a part of the boundaries of
106 the state which are not entirely confined and located completely upon lands
107 owned, leased or otherwise controlled by a single person or by two or more
108 persons jointly or as tenants in common and includes waters of the United States
109 lying within the state.

Bill ✓

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